

REMARKS

A proposed amendment individually omitting the old claims was mailed to the Commissioner of Patents at the above address and was rejected as non-compliant with 37 C.F.R. 1.121(d) by Legal Instruments Examiner Mamye Wagstaff for the omission of claims noted and the failure to identify the status of any pending claims. The attorney for the applicant apologizes for the oversight while herewith correcting the error.

The Applicant had requested an interview and as a time saving measure requested the opportunity to submit amendments unofficially for the Examiner's consideration and discussion. At the proposed interview the Examiner consented and the claims were sent informally for his review. After he had reviewed them, the Examiner called the undersigned attorney and stated that he believed that the further amended claims still did not overcome the prior art previously cited or newly cited. When the Examiner indicated that some of the claims used language that sounded like method claim language, the attorney for the applicant asked if the Examiner would consider method claims in this case. The Examiner responded that he was not sure, but he thought that such claims might be patentable and it was agreed that a method claim would be drafted and was sent informally to the Examiner. The Examiner reviewed the claims and made some suggestions but said that in general he felt that the concept was correct and, if the claim were clarified, it could form the basis for allowance of some method claims. The attorney for the applicant then suggested that at that stage it was time to file an amendment of record and the Examiner agreed. This amendment is the product of that relatively efficient process.

The attorney for the applicant wishes to express his appreciation to the Examiner who has been very helpful in trying to resolve objections which were raised and has been generous in several telephone interviews, most of which were relatively short, the longest being less than twenty minutes and the other about ten. If we are able to avoid appeal saving the Examiner's time as well as the applicant's money and avoiding the further expenditure of time at the Board of Appeals, it would appear to be a model of how to effectively resolve relatively substantial differences to everyone's benefit. The applicant and her attorney are most appreciative of the Examiner's efforts and suggestions.

Submitted herewith are five new method claims which if found allowable by the Examiner will allow the applicant to cancel claims heretofore filed in the application and

presently on appeal, these are claims 25 to 29. Also, there is an additional new claim 30 which was not discussed with the Examiner during an interview, but is directed to a kit for decorating a table top. This approach has been successfully used by the attorney for the applicant in a number of applications directed to methods. If found allowable as filed, or allowable as modified in specified respects, such a claim could be very helpful to the applicant in a patent which the applicant hopes to exploit commercially, probably through licensing.

The method claims are kept in terms of a method for decorating a table. The steps are those which need to be taken the applicant's table covering to assemble the pieces and display them on a table in a decorative way. The steps are simple and easily understood and relate to a decorative table covering which has been discussed at some length in prosecution of the application.

There are only five method claims, four of which are dependent on claim 25, which is the claim informally presented to the Examiner. Five claims are necessary because claims need to be provided for the situation in which there is a single piece tie as opposed to the use of multiple pieces connected in series to form the tie. Use of multiple pieces necessitates multiple connections of adjacent ends of the serial pieces of the tie, whereas only one such connection is required of a tie made of a single piece of material. The connections are also basically of two types: one where the ends of the material are used themselves to make the connection by tying them together, preferably in a bow, and the other where an additional fastener is employed to connect adjacent ends, preferably a decorative connector of some kind would be used to connect the adjacent ends together.

In making the connections, the tie is left slack and loose when it is placed in position on the table so as to drape below the table top at least between loop extensions and so that it's entire length except for the parts within the narrow loop extensions which support the tie can also be seen, viewed from a position along side the table and higher than the top.

The decorative device used is a table covering smaller than the table top but generally of the same shape so that when placed on the table top it will not cover it. Instead loop extensions are used to reach the edge of the table and provide the means of support and therefore display of the tie or sash around the table. Since the tie is intended to be seen when installed in the loops, it is not drawn tightly under the table where it would not be clearly

viewed.

The references use of the ties normally pulls them tightly into the table, although some drawings show a tie relaxed and sagging, but only when the cover is off the table or seat and after in use as a trash bag rather than a table cover. The applicant's use of the tie occurs in a decorative mode of use when the table covering is finally put in place and adjusted to provide a festive effect. The new method claims, specifically the new clarified claims, distinguish over the references cited by the Examiner. The Examiner suggested that with some clarification in the claim form he would be willing to allow such method claims. The applicant is willing to cancel all earlier submitted claims if the method claims are allowed. If minor changes are required if the Examiner calls the undersigned attorney needed changes can be agreed to and allowed by Examiner's amendment.

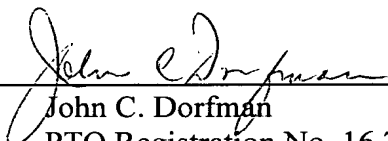
The claims to the kit is submitted to permit the Examiner to consider another aspect of coverage, which, if in his view is permissible, would be very helpful to the applicant.

The applicant has not attempted to respond to each and every position taken by the Examiner in the rejection because it appears that there is agreement in principle at least between him and the attorney for the applicant that a patent can be issued on method claims similar to the draft claim informally submitted.

Allowance of the new claims submitted herewith is respectfully requested.

Respectfully submitted,

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